

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Rulemaking on the Commission's Own Motion to Govern Open Access to Bottleneck Services and Establish A Framework for Network Architecture Development of Dominant Carrier Network.

Rulemaking 93-04-003  
(Filed April 7, 1993)

Investigation on the Commission's Own Motion Into Open Access and Network Architecture Development of Dominant Carrier Networks.

Investigation 93-04-002  
(Filed April 7, 1993)  
  
(Verizon UNE Phase)

**ADMINISTRATIVE LAW JUDGE'S RULING  
ESTABLISHING EX PARTE REPORTING REQUIREMENTS**

Today, a draft decision of Administrative Law Judge Duda was mailed out in this matter for consideration at the Commission's December 17, 2002 public meeting. This proceeding is a rulemaking and investigation instituted prior to January 1, 1998, and ex parte communications are governed by Article 1.5 of the Commission's Rules of Practice and Procedure. Under those rules, rulemaking proceedings, and investigations consolidated with rulemakings, are not "covered proceedings" and there is no restriction on ex parte communications.

Nevertheless, given the technical nature of the draft decision currently up for consideration, I will require that parties report any ex parte communications in this proceeding, as set forth in Rule 1.4, within two working days of the communication. It is my view that reporting of ex parte communications is reasonable and appropriate in this matter because of the complexity of the issues

involved in setting rates for unbundled network elements. When filing a notice of an ex parte communication with the Commission's Docket Office, parties should simultaneously electronically serve a copy of the notice on the service list for this proceeding, which can be found on the Commission's web site at [www.cpuc.ca.gov](http://www.cpuc.ca.gov).

Therefore, **IT IS RULED** that, until further notice, all ex parte communications in the "Verizon UNE phase" of this proceeding shall be reported within two working days according to the requirements set forth in Rule 1.4, and simultaneously electronically served on the service list for this proceeding.

Dated November 14, 2002, at San Francisco, California.

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/s/ Henry M. Duque  
Henry M. Duque  
Assigned Commissioner

## CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Assigned Commissioner's Ruling Establishing Ex Parte Reporting Requirements on all parties of record in this proceeding or their attorneys of record.

Dated November 14, 2002, at San Francisco, California.

/s/ Antonina V. Swansen

Antonina V. Swansen

## N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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If specialized accommodations for the disabled are needed, *e.g.*, sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.